## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MICHAEL ALLEN YOCOM, Case No. 1:21-cv-00187-NONE-HBK 12 Petitioner. ORDER STRIKING PETITIONER'S UNAUTHORIZED PLEADING FROM THE 13 RECORD v. 14 KATHLEEN ALLISON, LAURA (Doc. No. 27) **ELDRIDGE. AND ATTORNEY** 15 GENERAL. 16 Respondent. 17 18 Petitioner Michael Allen Yocom, a state pre-trial detainee proceeding pro se, has pending 19 20

a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1). Before the court is petitioner's "Request for Judicial Notice." (Doc. No. 27). To the extent discernable, petitioner contends he is not guilty of his underlying conviction. (Id.). The court strikes the pleading as an authorized pleading.

## I. **BACKGROUND**

21

22

23

24

25

26

27

28

Petitioner Michael Allen Yocom initiated this case by filing the instant petition on February 16, 2021. (Doc. No. 1). Petitioner's petition challenges petitioner's May 18, 2018 sentence and conviction entered by the Tulare County Superior Court in case no. PCF-340051. (Id). On May 10, 2021, the court ordered respondents to respond to the petition. (Doc. No. 23). Respondent's response is not yet due.

## II. APPLICABLE LAW AND ANALYSIS

The Rules Governing Section 2254 Cases in the United States District Court provide for the filing of a habeas petition (Rule 2), an answer, and a reply (Rule 5). Additional briefing may be permitted upon a court order to expand the record (Rule 7). Here, petitioner has submitted a pleading which repeats many of the arguments he has made in his petition. (*Compare* Doc. No. 1 with Doc. No. 27). The court has not ordered petitioner to submit any additional briefing. To the extent petitioner wishes to reassert any facts in support of his petition, he may raise them in his reply to respondent's response. Therefore, the court will order petitioner's unauthorized pleading from the record.

Accordingly, it is **ORDERED**:

- 1. Petitioner's unauthorized pleading (Doc. No. 27) is **STRICKEN** from the record.
- 2. The clerk of court is directed to **STRIKE** Doc. No. 27 from the record.

IT IS SO ORDERED.

Dated: May 18, 2021

HELENA M. BARCH-KUCHTA

UNITED STATES MAGISTRATE JUDGE